

REGULAR CITY COUNCIL MEETING
November 25, 1996

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Dale Roper	Council Member
Glen Swalberg	Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Greg Schafer	City Employee
Dee Hollingshead	City Resident
Group of Scouts & Leader	

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, the local radio station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Dale Roper offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held October 28, 1996 were presented for consideration and approval. The Council reviewed the minutes briefly. Council Member Dale Roper requested a change be made to a sentence regarding bids for the fire station building. Following discussion, Council Member Robert Droubay MOVED that the minutes be approved with the correction of the sentence on the last page. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Dale Roper MOVED that the accounts payable be approved as listed in the amount of \$130,324.09. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESSCITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE.

The Amendment to Business License Ordinance is not ready, therefore, no Council action was taken.

NEW BUSINESSMAYOR DON DAFOE: FISCAL YEAR 1995-96 AUDIT.

Mayor Dafoe explained that we did not have the auditors come down to go over this audit with us, primarily because we did not feel it necessary to pay them to come and read from the information already sent to us. Therefore, Mayor Dafoe made the presentation. Mayor Dafoe reviewed each item in the Management Letter and the audit for Fiscal Year 1995-96. Following discussion Council Member Glen Swalberg MOVED to accept the Audit of the budget for Fiscal Year 1995-96. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: ANNEXATION ORDINANCE FOR DEE HOLLINGSHEAD PROPERTY.

Attorney Waddingham presented a proposed resolution, and a proposed ordinance entitled:

RESOLUTION NO. 96-244

A RESOLUTION DECLARING THE ANNEXATION OF TERRITORY TO
THE CITY OF DELTA, STATE OF UTAH

ORDINANCE NO. 96-176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH,
ESTABLISHING THE ZONE DISTRICT CLASSIFICATION FOR THE ANNEXED

**TERRITORY AND GIVING FINAL ACCEPTANCE TO THE ANNEXATION PETITION
SUBMITTED BY THE PROPERTY OWNERS WITH RESPECT TO THE ANNEXATION
IDENTIFIED AS THE "HOLLINGSHEAD DELTA ANNEXATION."**

Attorney Waddingham explained that the agenda lists consideration of the ordinance and he has also prepared a resolution accepting the petition and plat, which is a prerequisite to passing the ordinance. Attorney Waddingham added that he needed to advise the Council of the current state of the law, which may also affect the Delta North Annexation. The law he referred to went into affect April 29, 1996, but he did not receive new supplements until sometime after the Delta North Annexation was adopted. The new law requires that a petition be filed and remain on file at least 120 days prior to any other consideration by the Council, in order to allow anyone who wants to withdraw a name or property from the petition to do so. Since the Council is now adopting a resolution accepting the petition and plat for the Hollingshead Delta Annexation, it should wait 120 days to adopt the Ordinance.

Attorney Waddingham informed the Council that there has been a recent Supreme Court case involving filing the petition and certified plat. The decision stated that the plat should be filed with the petition, at which point the 120 day waiting period begins. A strict construction of that case would mandate that the plat be filed with the petition for 120 days prior to any Council action. Councilman Robert Dekker asked Attorney Waddingham whether he would recommend passage of the Ordinance, based on current law. Attorney Waddingham said he could not recommend passage of the Ordinance at this time.

Council Member Gayle Bunker asked if there were any property owners in the annexation area who had not signed the petition. He was advised that Keith Taylor has not signed the petition but has been contacted and Mr. Taylor stated that he had no opposition to the annexation and, if necessary, he would sign the petition and plat. The Council felt that, inasmuch as all the property owners were in favor of the annexation, we should go ahead with the resolution accepting the petition and adopt the annexation ordinance. Due to the fact that this annexation is less than five (5) acres, it was not required to go before the Planning & Zoning Commission.

There was some discussion as to whether the Delta City Annexation Ordinance is in compliance with the new state law. Attorney Waddingham expressed his opinion that we need to revise the annexation ordinance. The petition and plat for the North Delta Annexation were on file for 120 days. However, the new law states that, if a petition and plat are pending when the new law takes effect, the 120 days starts from the effective date of the new law. The new law took effect approximately 60 days after the plat and petition were filed with the City Recorder. Technically, the 120 day requirement was not met. Attorney Waddingham does not believe this will create a problem. However, he is awaiting word from the State Tax Commission.

The Council asked Attorney Waddingham to revise the existing annexation ordinance in accordance with the new law.

Following lengthy discussion, Council Member Gayle Bunker MOVED to adopt Resolution 96-244 as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe

asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Glen Swalberg	Yes
Robert Droubay	Yes
Gayle Bunker	Yes
Dale Roper	Yes
Robert Dekker	Yes

Mayor Dafoe stated that the resolution had been adopted by unanimous vote of the Council.

Council Member Robert Droubay MOVED to adopt Ordinance No. 96-176. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Glen Swalberg	Yes
Robert Droubay	Yes
Gayle Bunker	Yes
Dale Roper	Yes
Robert Dekker	Yes

Mayor Dafoe stated that the ordinance had been adopted by unanimous vote of the Council.

ATTORNEY RICHARD WADDINGHAM: VISION DEVELOPMENT - PARTIAL
RELEASE OF TRUST DEED.

Attorney Waddingham reported that he has had Mayor Dafoe sign a Request for Partial Reconveyance of the trust deed held by Delta City, to release certain lots held by the City as collateral to assure completion of the improvements as required. Most of the improvements have been constructed. Therefore, the Mayor is requesting an affirmative vote of the Council to allow Attorney Waddingham to sign the Deed of Partial Reconveyance on Vision Development. This will release two of the three lots. The improvements have been completed on Phase I and it was felt that one lot will be sufficient to cover the remaining improvements for Phase II.

Following discussion, Council Member Robert Dekker MOVED to approve signing the Deed of Partial Reconveyance for Lots 1 & 5, Vision Development Phase I. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Council Member Robert Droubay asked what the status of the janitorial contract is. Mayor Dafoe advised the Council that we have not set out guidelines for the bid, nor advertised for bids. At present, we are continuing under the temporary operation which was set up when the contract was terminated. Brian Bunker is being employed to perform the janitorial services and he is doing a good job. He has been paid on an hourly basis, but has agreed to do the work for the same amount as we were paying on the contract. Mayor Dafoe stated that he did not know when we would get around to advertising for bids and questioned whether it is necessary to re-bid the contract. Council Member Dale Roper asked if the prior janitor had been advised that he would have an opportunity to bid on the contract. City Recorder Dorothy Jeffery stated that he had been told that if and when the contract was bid, he would be sent a copy of the specifications. Mayor Dafoe mentioned that, in the absence of a contract, if the City desires to add to the cleaning requirements such as snow removal, it can be done without amending a contract.

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Council Member Robert Droubay advised the Council that the Library Board had discussed the library expansion. There was recently matching fund money available for new library buildings or expansion of existing buildings, but our library was unable to apply for the funds due to having no matching funds. The Library Board would like to request that, over the remaining years of revenue sharing, \$20,000 per year commitment towards library expansion. These funds, along with the funds budgeted by the Council, could provide for some expansion. Mayor Dafoe stated that we had applied for and had received \$4,000 for technology upgrades, which was a part of the expansion fund. We applied for approximately \$11,000, but received only \$4,000. Mayor Dafoe mentioned that he had advised the County Commission that they should be thinking about creating a county wide library expansion program to assist Delta and Fillmore in providing library service for all county residents.

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Council Member Glen Swalberg advised the Council that Dan Bringard wants to put a business on the property just South of Master Muffler. He has been in contact with the property owner and has made an offer to purchase. In addition, he contacted the EPA because of the proximity to property previously used as a service station. Mr. Bringard stated that EPA advised him that, if he purchases the property, he will be liable for any petroleum leakage under his property. Council Member Swalberg feel that business expansion is being limited by EPA dictating what may happen in the future to property located near old petroleum tank sites, and that the City Council should attempt to intervene with EPA on Mr. Bringard's behalf. Public Works Director Neil Forster stated that, it is his understanding that the primary source of contamination is liable for any necessary cleanup. Other Council Members expressed their understanding that the primary source of the contamination would be liable for cleanup. Council Member Swalberg stated that Mr. Bringard has taken soil samples and requested information as to where to send them for tests. Public Works Director Forster advised the Council that Bruce Hall is the local representative for underground storage tanks and he comes to Delta every week.

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Council Member Glen Swalberg told the Council that the Shade Tree Committee has requested that the proposed rose garden be located in the City Park in the triangle shaped area just west of the log cabin. The Council discussed various areas in the park where the rose garden could be located. There was also discussion regarding long term care of the rose garden. Mayor Dafoe suggested that the rose garden be placed on the West side of the park where the old fountain has been dug out. Council Member Swalberg proposed that the Council look at the various areas in the park and give the Committee an answer. Council Member Glen Swalberg MOVED to give consent to the Shade Tree Committee to locate a rose garden on the west portion of the City Park where the old fountain has been removed. The motion was SECONDED by Council Member Robert Droubay SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Council Member Dale Roper advised the Council that he has been contacted by Delta High School F.F.A. Advisor Duane Ekins regarding a national F.F.A. centennial contest. Mr. Ekins requested information from Council Member Roper regarding any participation available from the City for the contest. Council Member Roper advised Mr. Ekins of the steam tractor which Council Member Swalberg had mentioned at a previous City Council meeting. Mr. Ekins stated that the F.F.A. is desirous of doing something for the community which would be long lasting. Council Member Roper and Council Member Swalberg discussed the request of Mr. Ekins and determined that the steam tractor project should be turned over to Mr. Ekins and the F.F.A. The F.F.A. program would like some input from the City Council as to what type of facility they would like to see constructed. Council Member Swalberg reported that he has made several calls to one of the owners of the steam tractor but has not yet received a response from them regarding what they want to do with it.

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Council Member Dale Roper stated that the bids for the Fire Department building had been opened. The only bid came in at \$76,000. Fire Chief Bryce Ashby and Council Member Roper discussed the specifications with Building Inspectors Jerry Reagan and Gary Church. It was the opinion of the building inspectors that there were some specifications which were not necessary. There were some changes made and the bid was reduced to \$69,000. Mike Barney got the bid and it was approved at the Fire District meeting last Wednesday.

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Mayor Dafoe advised the Council that the Light Parade will begin at 6:00 p.m. this Saturday, November 30th. Council Member Gayle Bunker has made a sleigh for the City Council and City staff to ride the float and have it lead the parade. Council Members Swalberg, Droubay, and


Roper will be out of town on Saturday. They would like to have at least nine people in the sleigh on the float.

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Mayor Dafoe reported to the Council that the Christmas decorations are going up. We have new banners for each end of town, a train in the park, and a star on top of the water tank.

Mayor Dafoe asked if there were any comments, questions, or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. Council Member Robert Dekker SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:45 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: SCCM 12-16-96